

**VILLAGE  
OF  
WINNIPEGOSIS**

**ZONING BY-LAW  
NO. 5-2001**

Prepared for:

VILLAGE OF WINNIPEGOSIS

By:

Marvin R. Borgfjord  
Planning Consultant  
Dauphin, MB

and

Cochrane Engineering Ltd.

December 2001

THE VILLAGE OF WINNIPEGOSIS

BY-LAW NO. 5-2001

BEING a by-law of the **Village of Winnipegosis** to regulate the use and development of land.

WHEREAS, *Section 39(1) of The Planning Act* provides that the council of a municipality may enact a zoning by-law which generally conforms to a development plan adopted for the area;

AND WHEREAS, pursuant to the provisions of *Section 27(1) of The Act*, the **Lakeshore Planning District** has, by by-law, adopted the ***Lakeshore Planning District Development Plan***;


AND WHEREAS, *Section 32(2) of The Act* provides that the council of a municipality shall enact a zoning by-law upon the adoption of a development plan;

NOW THEREFORE, the Council of the Village of Winnipegosis in meeting duly assembled, enacts as follows:

1. This by-law shall be known as the **Village of Winnipegosis Zoning By-law**.
2. The Zoning By-law, attached hereto and forming part of this by-law is hereby adopted.
3. By-law No. 631, being a by-law of the Village of Winnipegosis to adopt the Village of Winnipegosis Town Planning Scheme 1964 and all amendments thereto are hereby repealed.
4. This By-law shall take force and effect on the date of third reading.

DONE AND PASSED in Council duly assembled at the Village of  
Winnipegosis, Manitoba this 20<sup>th</sup> day of June, 2002 A.D.

  
Mayor

  
Chief Administrative Officer  
Village of Winnipegosis

READ A FIRST TIME THIS	6 <sup>th</sup>	day of	December	A.D. 2001
READ A SECOND TIME THIS	7 <sup>th</sup>	day of	March	A.D. 2002
READ A THIRD TIME THIS	20 <sup>th</sup>	day of	June	A.D. 2002

## TABLE OF CONTENTS

	Page No.
<b>PART 1: SCOPE</b>	1
<b>PART 2: GENERAL REGULATIONS GOVERNING USES, BUILDINGS AND STRUCTURES</b>	2
Regulation of Uses	2
Existing Uses, Buildings and Structures	2
Permitted Uses, Buildings and Structures	4
Conditional Uses	4
Accessory Uses	4
Zoning Designations	4
<b>PART 3: GENERAL BULK REQUIREMENTS</b>	6
Application of Bulk Requirements	6
Existing Substandard Parcels of Land	6
Corner Vision Triangles	6
Projections into Yards	6
Double Frontage Yards	7
Separation of Principal Building and any other Building	7
Unconventional Sites	8
Landlocked Sites	8
<b>PART 4: USE AND BULK TABLES</b>	9
TABLE 4-1: "AR" AGRICULTURAL RESTRICTED ZONE – USE AND BULK TABLE	9
TABLE 4-2: "UR" URBAN RESIDENTIAL ZONE – USE AND BULK TABLE	10
TABLE 4-3: "UN" URBAN NON-RESIDENTIAL ZONE – USE AND BULK TABLE	13
TABLE 4-4: "OR" OPEN SPACE/RECREATION ZONE – USE AND BULK TABLE	15
<b>PART 5: RULES FOR SPECIFIC USES</b>	16
Home-based Businesses	16
Special Limitations governing Development of Buildings and Structures, including Farm Dwellings and Farm Buildings	16
Hazardous Materials Storage	17
<b>PART 6: MISCELLANEOUS REGULATIONS</b>	18
Land Subject to Flooding	18

## TABLE OF CONTENTS

	<b>Page No.</b>
High Water Table Areas	18
Site Reduced by Road Widening	18
Building Removal	18
Building Grade and Site Drainage	19
Road Access	19
Service Connections	19
Public Monuments and Cairns	19
Signs	19
Temporary Buildings and Uses	19
<b>PART 7: ADMINISTRATION</b>	<b>21</b>
Administration and Enforcement	21
Development Permits	21
Development Officer	23
Application for Amendment	23
Applications for Variances and Conditional Uses	24
<b>PART 8: ENFORCEMENT</b>	<b>25</b>
Entry for Inspection and Other Purposes	25
Order to Remedy Contravention	25
Review by the Board	26
<b>PART 9: INTERPRETATION</b>	<b>27</b>
Footnotes	27
Permitted Uses	27
Definitions	27
Zoning Boundaries	30
<b>APPENDIX A: METRIC CONVERSION TABLE</b>	
<b>SCHEDULE A: ZONING MAP 1</b>	

## PART 1: SCOPE

- 1.1 This by-law shall be known as the **Village of Winnipegosis Zoning By-law**.
- 1.2 This by-law applies to all lands in the Village of Winnipegosis indicated on **Map 1 of Schedule A** to this by-law.
- 1.3 This by-law regulates:
  - (a) the construction, erection, alteration, enlargement or placing of buildings and structures; and
  - (b) the establishment, alteration or enlargement of uses of land, buildings and structures.
- 1.4 No land, building or structure shall be used or occupied, and no building or structure shall be constructed, erected, altered, enlarged or placed, except in accordance with this by-law, and only after all required permits have been obtained by the owner.
- 1.5 Whenever a provision of another by-law or of a law or regulation of the provincial or federal government contains a restriction governing the same subject matter contained in this by-law, or imposes contradictory regulations with respect to uses, buildings or structures, the most restrictive or highest standard shall prevail.
- 1.6 Nothing in this by-law, or in a development permit, approval of a conditional use, variation order or other approval issued under this by-law or under *The Planning Act*, shall be construed as authorization for the carrying out of any activity which is a nuisance due to noise, odour, emission, vibration or other cause.

## **PART 2: GENERAL REGULATIONS GOVERNING USES, BUILDINGS AND STRUCTURES**

### **Regulation of Uses**

- 2.1 Subject to 2.4, no land, building or structure shall be constructed, enlarged, placed, used or occupied except for a use which:
- (a) is listed in the Use and Bulk Tables which apply to such land, building or structure as:
    - (i) a permitted principal use;
    - (ii) a conditional use, subject to approval as such; or
  - (b) is an accessory use.
- 2.2 Where land or a building or structure is used for more than one purpose, all provisions of this by-law relating to each use shall be satisfied. If there is a conflict, the higher or more stringent requirement shall apply.
- 2.3 There shall be a maximum of one dwelling unit per site or parcel of land, except for two-family dwellings or multiple-family dwellings and mobile homes in a mobile home park which has been approved by Council as provided for in this by-law.
- 2.4 This by-law shall be interpreted so as not to interfere with the construction, erection and location of the facilities of a public utility. Office buildings, warehouses, maintenance or storage compounds operated by a public utility shall be subject to the provisions of this by-law.
- 2.5 Electric transmission lines and structures, and pipelines are deemed to be in compliance with this by-law if they are carried out, constructed and operated in accordance with federal and provincial law.

### **Existing Uses, Buildings and Structures**

- 2.6 An existing use, building or structure which is classified as a permitted use, building or structure in this by-law shall be allowed to continue to exist, and may be enlarged or expanded, may be changed to another permitted use, or may be replaced if destroyed.

- (a) All buildings and structures existing at the effective date of this by-law are deemed to conform to the bulk requirements of the zone in which the buildings or structures are situated.
  - (b) The enlargement, expansion, change in use, or replacement shall be subject to the issuance of a development permit, and shall conform with all requirements of this by-law.
- 2.7 An existing use, building or structure which is classified as a conditional use in this by-law shall be deemed to be an approved conditional use, building or structure and shall be allowed to continue to exist, may be changed to a permitted use, or may be replaced if destroyed, provided that the replacement does not increase the intensity of the previously existing use.
- (a) In these circumstances, the change in use or replacement shall be subject to the issuance of a development permit, and shall conform with all requirements of this by-law; and
  - (b) Where an enlargement or expansion of such a use is proposed, it shall require the specific approval of Council, in accordance with **PART 7**.
- 2.8 An existing use, building or structure which is not classified as a permitted or conditional use, building or structure in this by-law shall be considered as a non-conforming use, building or structure, and shall be subject to the provisions of *The Planning Act* governing non-conformities.
- (a) A non-conforming use shall be allowed to continue to exist, and may be changed to a permitted use;
  - (b) A non-conforming use shall not be intensified, and shall not be changed to a different non-conforming use;
  - (c) A non-conforming use shall not be re-established if it is discontinued for a period in excess of one year. A change in ownership or tenancy of a non-conforming use shall not affect the status of the non-conforming use;
  - (d) A non-conforming building or structure shall not be re-established if it is removed or destroyed by more than fifty percent (50%) of its replacement value above the foundation; and
  - (e) Other provisions of *The Planning Act* govern non-conforming uses, buildings and structures, including a provision which enables Council to consider variation orders in situations where non-conformities are proposed to be enlarged or expanded.



## **Permitted Uses, Buildings and Structures**

- 2.9 Where a use, building or structure is provided for as a permitted use by this by-law, the owner shall normally be entitled to establish, expand or enlarge the use, building or structure, subject to the issuance of a development permit, and provided that the use, building or structure complies with all requirements of this by-law.

## **Conditional Uses**

- 2.10 The classification of uses as conditional uses is intended to provide for a special process of review and approval for certain types of development which, due to their inherent characteristics, may have potential adverse impacts on nearby properties or resources.
- 2.11 Where a use, building or structure is provided for as a conditional use by this by-law, the establishment, enlargement or expansion of the use, building or structure shall be subject to the specific requirements of *The Planning Act* pertaining to conditional uses.

## **Accessory Uses**

- 2.12 No accessory use shall be established, and no accessory building or structure shall be constructed or erected, prior to the establishment of the use of land, building or structure to which it is accessory (except under 2.13).
- 2.13 An accessory garage or storage building may be constructed or erected for the purpose of storage of materials and equipment for use during construction of the main building, provided that a development permit has been obtained for the main building.
- 2.14 For the avoidance of doubt, an accessory use, building or structure may be accessory to an approved conditional use; however, no accessory use or building shall be constructed or located on the site prior to review and approval by Council in accordance with **PART 7**, if the accessory building or structure contributes significantly to an intensification or expansion of the conditional use.

## **Zoning Designations**

- 2.15 Uses of land in the municipality are regulated in accordance with the following zone designations:
- (a) **“AR” Agricultural Restricted Zone**

This zone provides for agricultural and other uses and activities on a restricted basis within the urban fringe area of the Village of Winnipegosis.

(b) “UR” Urban Residential Zone

This zone provides for the development of a wide variety of housing types and associated or compatible uses in areas where suitable services and infrastructure are available or can be provided.

(c) “UN” Urban Non-Residential Zone

This zones provides for the development of a wide range of non-residential development of commercial and industrial uses and associated or compatible uses in areas serviced by municipal sewer and water systems or other approved systems.

(d) “OR” Open Space/Recreation Zone

This zone provides areas for public parks and recreational purposes and for the conservation of undeveloped scenic or hazard lands, land buffering different types of land use and major utility rights-of-way that have an open space character.

and those designations are established as shown on the map comprising **Schedule A** of this by-law.

2.16 The permitted and conditional uses prescribed for sites within each designation are those set out in the Use and Bulk Tables of this by-law.

## **PART 3: GENERAL BULK REQUIREMENTS**

### **Application of Bulk Requirements**

- 3.1 No land, building or structure shall be used or occupied, and no building or structure shall be constructed, erected, altered, enlarged or placed, except in accordance with the minimum site area, minimum site width and yard requirements prescribed for each zone and use in the Use and Bulk Tables and the other requirements of this By-law.

### **Existing Substandard Parcels of Land**

- 3.2 Any site or parcel of land which was in existence at the date of adoption of this By-law, and which does not comply with the minimum site area and/or site width requirements for any zone as provided for in this By-law, may be used or developed for any permitted or conditional use within the zone, provided that
- (a) The site or parcel of land did not form part of a larger contiguous land holding under the same ownership;
  - (b) All administrative requirements for the issuance of development permits and approval of conditional use applications as provided for in *The Planning Act* and **PART 7** of this By-law are complied with; and
  - (c) All required yards and separation distances as required by this By-law are complied with.

### **Corner Vision Triangles**

- 3.3 In order to provide for a reasonable measure of traffic safety within all zones in the Village of Winnipegosis, it is considered important to provide for good visibility conditions at street intersections, by establishing special open space requirements as follows:
- (a) No building, structure, vehicular parking space, shelterbelt, hedge or stockpiling of materials exceeding a height of three (3) feet above grade shall be located within a triangular area of any site adjacent to an intersection of two public streets, with the sides of the triangular area being measured a distance of ten (10) feet along each property boundary from the point of intersection.

### **Projections into Yards**

- 3.4 Within all zones, the required yards are intended to provide open spaces around buildings and structures for purposes of amenity, privacy, fire protection, and maintenance operations along the walls of

buildings. Required yards shall be maintained as open space areas on all sites, except as follows:

- (a) Open, unenclosed projections of a building, including eaves, awnings, stairs, landings, wing-walls, raised decks and balconies, may extend into a required yard up to fifty percent (50%) of the required yard depth to a maximum projection of five (5) feet, whichever is the lesser.
- (b) Enclosed projections of a building, including chimneys, alcoves, and bay windows may extend into a required yard up to fifty percent (50%) of the required yard depth to a maximum projection of five (5) feet, whichever is the lesser, provided that no more than ten (10) square feet of area within any required yard is occupied by these types of projection.
- (c) Landscaping features such as driveways, sidewalks, and patios at grade level, ornamental plantings, fences and other decorative features are permitted within any required yard, provided that the maximum height of a fence in any required front yard shall be three (3) feet, and the maximum height of a fence in any required side or rear yard shall be six (6) feet; and
- (d) Portable buildings not exceeding one hundred (100) square feet in floor area for the storage of domestic equipment may be located within any required interior side yard or required rear yard, provided that a separation distance of one (1) foot is maintained from the site line, and a separation distance of three (3) feet is maintained from any dwelling.

### **Double Frontage Sites**

- 3.5 Within all zones in the Village of Winnipegosis, where a site has frontage along two more or less parallel streets, the following provisions shall apply:
- (a) Where the site depth is greater than two hundred (200) feet, both site lines which abut these streets shall be considered to be front site lines, and the adjacent yards shall both be considered to be required front yards; and
  - (b) Where the site depth is two hundred (200) feet or less, only one site line shall be considered to be the front site line, and this determination shall be made by the Development Officer, based on the arrangement of existing buildings in the immediate area.

### **Separation of Principal Building and Any Other Building**

- 3.6 The minimum distance between the principal building and any other building other than provided for in 3.4(d) shall be six (6) feet.

3.7 ***Unconventional Sites***

Where a site is of such unique configuration that the required yards cannot be ascertained in accordance with the definitions of **PART 9**, the Development Officer may designate the location of the required yards. The location and required dimensions of such yards shall be consistent with the intent of the yards specified for the zone within which the site is located.

3.8 ***Landlocked Sites***

In unique circumstances, Council may permit development on a site which only has frontage on a private lane or road, provided the said lane or road is at least twenty (20) feet in width and intersects with a street and is secured by means of a registered easement. For the purpose of establishing the position of the required yards, the Development Officer shall determine the front, side or rear site lines of a landlocked site.

## PART 4: USE AND BULK TABLES

**TABLE 4-1: "AR" AGRICULTURAL RESTRICTED ZONE - USE AND BULK TABLE**

	MINIMUM REQUIREMENTS				
	SITE SIZE		REQUIRED YARDS		
	Site Area (acres)	Site Width (feet)	Front Yard (feet)	Side Yard (feet) (a)	Rear Yard (feet) (b)
<b>PERMITTED PRINCIPAL USES</b>					
Agricultural Activities, General (c)	20	400	125	25	25
Parks, Playgrounds and Recreational Areas	2	200	125	25	25
Public Utilities	1	100	125	25	25
<b>CONDITIONAL USES</b>					
Advertising Signs, exceeding 50 sq. ft. in area	-	-	As determined by Council		
Non-Farm Dwellings or Mobile Homes	2	200	125	25	25
Public Works Compounds and Maintenance Buildings	2	200	125	25	25
Sewage Treatment Plants and Lagoons	5	300	125	25	25
<b>ACCESSORY USES, BUILDINGS AND STRUCTURES</b>					
	-	-	125	25	25

- (a) Where a side site line is adjacent to a government road allowance or other municipal road, the minimum required side yard shall be one hundred twenty five (125) feet.
- (b) Where a rear site line is adjacent to a government road allowance or other municipal road, the minimum required rear yard shall be one hundred twenty-five (125) feet.
- (c) Agricultural activities include cropping, nurseries, market gardening, and similar uses but excluding livestock production operations.

**TABLE 4-2: “UR” URBAN RESIDENTIAL ZONE – USE AND BULK TABLE**

	MINIMUM REQUIREMENTS (a)(b)				
	SITE SIZE		REQUIRED YARDS		
	Site Area (sq. feet)	Site Width (feet)	Front Yard (feet)	Side Yard (feet)	Rear Yard (feet)
<b>PERMITTED PRINCIPAL USES</b>					
<b>Dwellings, single-family</b>	5,000	50	25	5(c)	25
<b>Dwellings, mobile home (d)</b>	5,000	50	25	5(c)(e)	10
<b>Dwellings, two-family (f)</b>	7,500(g)	75(g)	25	5(c)(g)	25
<b>Dwellings, multiple-family, up to 8 dwelling units (f)</b>	(h)	100	25	5(c)(i)	25
Parks or Playgrounds	1,000	20	-	-	-
<b>Public Utilities</b>	5,000(j)	50(j)	25(j)	5(c)(j)	25(j)
Religious Institutions	5,000	50	25	5(c)(i)	25
<b>CONDITIONAL USES</b>					
<b>Clubs, Private or Public</b>	5,000	50	25	5(c)	25
Cultural Facilities, including auditoriums, community clubs, libraries, museums, theatres, and historic sites	5,000	50	25	5(c)(i)	25
<b>Dwellings, multiple-family, over 8 dwelling units (f)</b>	(h)	100	25	5(c)(i)	25
Institutional Buildings, including hospitals, schools, personal care homes and senior citizen homes	20,000	100	25	15(i)	25
Recreation Facilities	5,000	50	25	5(c)	25
<b>Residential Care Facilities, providing service to 5 persons or more</b>	7,500	75	25	5(c)	25
<b>ACCESSORY USES, BUILDINGS AND STRUCTURES</b>	-	-	25	5(c)(k)(m)	5(l)(m)

The following footnotes form part of this TABLE.

- (a) In addition to the minimum requirements of this TABLE, the following requirements shall also apply:
  - i) Maximum allowable height for all principal buildings and structures shall be thirty (30) feet.
  - ii) Maximum allowable height for all accessory buildings and structures shall be ten (10) feet.
  - iii) Minimum dwelling unit area shall be six hundred (600) square feet.
- (b) For all developments in the “UR” Zone not serviced by municipal sewage and water systems, the minimum required site area shall be fifteen thousand (15,000) square feet, the minimum required site width shall be

one hundred (100) feet and the minimum required side yard shall be ten (10) feet.

- (c) When located on a corner site, the minimum required side yard on the street side of the site shall be fifteen (15) feet for all principal and accessory buildings and structures.
- (d) Except for mobile home parks only double width mobile homes shall be permitted in residential areas.
- (e) For mobile home sites in mobile home parks there shall be an open space at least twenty (20) feet by fifty (50) feet adjacent to the side of the mobile home containing either the entrance or the main living room window, to be utilized for household exterior recreational use.
- (f) Where dwellings are to be developed in accordance with a bare land condominium concept, the minimum required site area, minimum required site width, and minimum required yards shall not apply to individual condominium units; however, the front and rear walls of the condominium structure shall be set back a minimum distance of twenty (20) feet from the front and rear boundaries of the condominium lot, and the side wall shall be set back a minimum distance of five (5) feet from the side boundary, unless the wall is a party wall, in which case the minimum required side yard shall be zero (0) feet.
- (g) In the case of two-family dwellings, each unit may occupy a separate site, in which case the minimum site area requirement shall be three thousand five hundred (3,500) sq. feet, the minimum site width requirement shall be thirty-five (35) feet and where the two dwelling units are attached, the minimum side yard requirement along the party wall shall be zero (0) feet.
- (h) The minimum required site area for the first three dwelling units shall be nine thousand (9,000) square feet, and the minimum required site area shall increase by an additional one thousand (1,000) sq. feet for each additional dwelling unit above three units.
- (i) Where the height of the building is in excess of twenty (20) feet above average grade the required side yard shall be half the height of the building.
- (j) Where the proposed development consists of a building or structure less than one hundred (100) sq. feet in floor area, a smaller site may be approved, provided that the site is not adjacent to a required front yard of a residential site, and provided that a separation distance of seven (7) feet is maintained from all site lines.
- (k) When located entirely to the rear of the principal building, the minimum required side yard for accessory buildings and structures shall be three (3) feet.



- (l) Where the rear site line is not adjacent to a public lane, the minimum required rear yard for accessory buildings and structures shall be three (3) feet.
- (m) Where an accessory building is used for the storage of a motor vehicle, the wall which contains the vehicular access door shall be set back a minimum distance of ten (10) feet from a public lane.

**TABLE 4-3: "UN" URBAN NON-RESIDENTIAL ZONE – USE AND BULK TABLE**

	MINIMUM REQUIREMENTS (a)				
	SITE SIZE		REQUIRED YARDS		
	Site Area (sq. feet)	Site Width (feet)	Front Yard (feet)	Side Yard (feet)	Rear Yard (feet)
<b>PERMITTED PRINCIPAL USES</b>					
Accommodation Facilities, including Hotels and Motels	10,000	100	25(b)	25(c)	25(c)
Bakeries	5,000	50	25(b)	10(b)	25(b)
Campgrounds	20,000	100	25	15	25
Clubs, Private or Public	5,000	50	25(b)	10(b)	25(b)
Cultural Facilities, including auditoriums, community clubs and halls, libraries, museums, theatres, and historic sites	5,000	50	25(b)	10(b)	25(b)
Emergency Services, including police and fire stations	5,000	50	25(b)	10(b)	25(b)
Establishments for the provision of personal services, including offices, financial institutions, clinics, salons, day care facilities and funeral homes	5,000	50	25(b)	10(b)	25(b)
Exhibition Grounds	20,000	100	25	15	25
Institutional Buildings, including hospitals, schools, personal care homes and senior citizen homes	20,000	100	25	15	25
Nurseries or Greenhouses	5,000	50	25(b)	10(b)	25(b)
Parks or Playgrounds	1,000	20	-	-	-
Printing or Publishing Establishments	5,000	50	25(b)	10(b)	25(b)
Public Parking Areas	5,000	50	-	-	-
<b>Public Utilities</b>	5,000(d)	50(d)	25(b) (d)	10(b) (d)	25(b) (d)
Recreation Facilities	5,000	50	25(b)	10(b)	25(b)
Religious Institutions	5,000	50	25(b)	10(b)	25(b)
Storage Buildings and Warehouses for Non-Hazardous Materials	5,000	50	25(b)	10(b)	25(b)
<b>CONDITIONAL USES</b>					
<b>Advertising Signs</b> in excess of 50 sq. ft.	-	-	As determined by Council		
<b>Drive-Through Facilities</b> or Businesses	5,000	50	25	10(b)	25(b)
Earth Moving Contractors and Ready-Mix Concrete Suppliers	10,000	100	25	15	25
Establishments for the storage, handling or processing of agricultural produce, in return for remuneration	10,000	100	25	15(e)	25(e)
Establishments for the sales, storage or distribution of agricultural supplies, equipment or structures	10,000	100	25(b)	15(b) (d)	25(b) (d)
Establishments for the sale of goods and services, where there is exterior storage of products	10,000	100	25(b)	15(b)	25(b)
Fuel Sales and Storage Establishments	5,000	50	25(b)	10(b)	25(b)
Manufacturing, Fabricating, Machining, Processing or Repair Establishments, not described elsewhere in this TABLE	5,000	50	25(b)	10(b) (e)	25(b) (e)

Public Works Compounds and Maintenance Buildings	5,000	50	25(b)	10(b)	25(b)
Sewage Lagoons	20,000	100	25	15	25
Storage Facilities and Compounds, Exterior, for Non-Hazardous Materials	5,000	50	25(b)	10(b)	25(b)
Trucking Establishments	10,000	100	25	15	25
Veterinary Clinics	10,000	100	25	15	25
Any use not listed above	5,000	50	25(b)	10(b)	25(b)
<b>ACCESSORY USES, BUILDINGS AND STRUCTURES</b>	-	-	25(b) (f)(g)	5(f) (g)	5(f) (g)

The following footnotes form part of this TABLE

- (a) In addition to the minimum requirements of this TABLE, the maximum allowable height for all principal buildings and structures shall be thirty (30) feet, and the maximum allowable height for all accessory buildings and structures shall be fifteen (15) feet, with the exception of grain storage structures, fuel and fertilizer storage tanks, church steeples and telecommunications towers.
- (b) When located in the central business area of the community, the minimum required yard shall be five (5) feet.
- (c) Where the exterior wall does not contain any exterior windows or entrances to individual suites, and where there is sufficient parking provided elsewhere, the minimum required yard shall be five (5) feet.
- (d) Where the proposed development consists of a building or structure less than one hundred (100) square feet in floor area, a smaller site may be approved, provided that the site is not adjacent to a required front yard of a residential site, and provided that a separation distance of seven (7) feet is maintained from all site lines.
- (e) Where the side or rear site line of a site coincides with the boundary of a railway right-of-way, the minimum required yard shall be zero (0) feet for those structures which require railway service for loading or unloading.
- (f) Where an accessory building is used for the storage of a motor vehicle, the wall which contains the vehicular access door shall be set back a minimum distance of ten (10) feet from a public lane or street.
- (g) Where a building contains an accessory dwelling unit, the minimum required yard for that portion of the building containing the dwelling unit shall be fifteen (15) feet.

**TABLE 4-4 "OR" OPEN SPACE/RECREATION ZONE – USE AND BULK TABLE**

	MINIMUM REQUIREMENTS				
	SITE SIZE		REQUIRED YARDS		
	Site Area (sq. feet)	Site Width (feet)	Front Yard (feet)	Side Yard (feet)	Rear Yard (feet)
<b>PERMITTED PRINCIPAL USES</b>					
Open Space, including athletic fields, picnic areas, tot lots, playgrounds, outdoor skating rinks, buffer strips, public reserves, walkways, undeveloped scenic or hazard lands and similar uses	5,000	50	25	10	25
Public Utilities	5,000	50	25	10	25
<b>CONDITIONAL USES</b>					
Assembly, including grandstands, sports complexes, race tracks, stadiums, community halls, agricultural exhibition grounds and buildings and similar uses	20,000	100	25	15	25
Public Works	5,000	50	25	10	25
<b>ACCESSORY USES, BUILDINGS AND STRUCTURES</b>	-	-	As determined by Council		

## **PART 5: RULES FOR SPECIFIC USES**

### **Home-Based Businesses**

- 5.1 Home-based businesses are governed by the following rules:
- (a) They shall be conducted by a person or persons residing in the dwelling.
  - (b) Persons employed or otherwise engaged in the business who do not reside in the dwelling may not exceed 2 persons in all zones:
  - (c) In all zones except the “AR” Agricultural Restricted Zone, there can be no processing or outside storage of goods or materials, and in the “AR” Agricultural Restricted Zone, the location of all exterior processing and storage shall be subject to Council approval.
  - (d) Not more than six hundred (600) square feet of all floor area may be devoted to the business in all zones except the “AR” Agricultural Restricted Zone.
  - (e) One business sign, either freestanding or affixed to the wall of a principal or accessory building is permitted, not exceeding
    - i) in the “AR” Zone, thirty-two (32) square feet;
    - ii) in all other zones, ten (10) square feet in any location.
  - (f) They shall not generate undue traffic or congestion, adversely affect the amenity and convenience of the neighbourhood, or create a nuisance;
  - (g) In the urban zones, the residential character of the property shall be maintained; and
  - (h) A bed and breakfast may be approved as an accessory use and is not subject to the floor area limitation set out in 5.1(d) herein.

### **Special Limitations governing Development of Buildings and Structures, including Farm Dwellings and Farm Buildings**

- 5.2 No dwelling or mobile home or other habitable building shall be constructed or located within one thousand five hundred (1,500) feet of the site of any municipal sewage lagoon or solid waste disposal site.
- 5.3 No dwelling or mobile home or other habitable building shall be constructed or located within one thousand (1,000) feet of the site of an anhydrous ammonia storage tank or a farm bulk chemical supply facility.

- 5.4 No building, dwelling, mobile home or farm building or structure shall be located within one hundred (100) feet of the edge of the right-of-way of any railway, unless the structure is required for railway operations, or requires railway service.

**Hazardous Materials Storage**

- 5.5 No bulk farm chemical supply warehouse, inland grain terminal, bulk fuel or fertilizer storage or anhydrous ammonia storage container shall be located within:
- (a) One thousand (1,000) feet of a building used for human occupancy or individual residence; and
  - (b) Three hundred (300) feet of a municipal road or provincial highway.

## **PART 6: MISCELLANEOUS REGULATIONS**

### **Land Subject to Flooding**

- 6.1 No buildings or structures, except for barbed wire fences, shall be built in areas in the vicinity of creeks or streams which, in the opinion of Council, are subject to flooding by a one hundred year flood, unless the owner provides sufficient information prepared by a qualified consultant, to demonstrate compliance with the provisions of the Lakeshore Planning District Development Plan.
- 6.2 Where development is proposed in an area which, in the opinion of the Development Officer, may be subject to ponding due to snowmelt or heavy rainfall events, the owner may be required to provide additional measures, including the provision of sufficient fill around the building to provide an additional measure of protection from flood damage.
- 6.3 No permanent building shall be constructed or placed on land, which is subject to subsidence or erosion by water or is marshy or unstable, or is otherwise unsuitable or hazardous by virtue of its soil or topography, unless it is demonstrated to the satisfaction of Council that proper measures will be taken to deal with the unsuitability or hazard.

### **High Water Table Areas**

- 6.4 Groundwater conditions are highly variable throughout the municipality, and in some areas the groundwater table may be very close to the surface. Sufficient measures should be included in the design of the building to adequately protect basements from groundwater infiltration.

### **Site Reduced by Road Widening**

- 6.5 Where the site area or site width of a parcel of land has been reduced as a result of land acquired for the establishment or widening of a public road or drain, or for any other public work, the land which has been acquired shall be deemed to part of the site for purposes of determining compliance with the minimum site area and site width requirements and required yards for existing buildings as specified by this by-law. However, where new buildings or structures are proposed, the required yards shall be determined by the location of actual site boundaries.

### **Building Removal**

- 6.6 Upon completion of removal or demolition of a building from a site, the old foundation shall be removed, any excavation shall be filled, the ground shall be leveled and the site shall be put in a safe condition to the satisfaction of the Development Officer.

### **Building Grade and Site Drainage**

- 6.7 The grade for all principal buildings and structures and the proposed site drainage system shall be approved by the Development Officer prior to the commencement of construction.

### **Road Access**

- 6.8 No permanent building may be constructed or placed on a site, which does not have legal access to an improved public road.

### **Service Connections**

- 6.9 Where a site is served by municipal piped sewer or water, no permanent principal building shall be constructed or placed unless it is connected to such services.

### **Public Monuments and Cairns**

- 6.10 Nothing in this by-law shall be so interpreted as to interfere with the establishment of public monuments and cairns.

### **Signs**

- 6.11 No sign or sign structure shall be erected at any location where it may interfere with, obstruct the view of, or be confused with any authorized traffic sign or obstruct the view of any highway or street intersection or railroad crossing.
- 6.12 All signs and their support structures shall be kept in good repair. Signs which have become obsolete because of the discontinuance of the business or service and have not been removed or relocated within thirty (30) days following such condition may be removed by the Village at the owner's expense.

### **Temporary Buildings and Uses**

- 6.13 Temporary buildings, structures and uses of land are permitted on a site in connection with construction and development on that or a nearby site, subject to the issuance of a development permit and only for the following purposes:
- (a) offices for the contractor or developer or project supervisor;
  - (b) accommodation for a caretaker;
  - (c) storage of materials and equipment.
- 6.14 A development permit for a temporary building or structure or use shall be valid for six (6) months and may not be renewed for more than two (2) successive six (6) month periods.



- 6.15 Despite 3.4, a wheelchair ramp may extend into the required yard of a residence for as long as it is required by an occupant of the residence, subject to the issuance of a development permit.

## **PART 7: ADMINISTRATION**

### **Administration and Enforcement**

- 7.1 In the administration and enforcement of this by-law the municipality authorizes and directs the Board of the Lakeshore Planning District to proceed under **PART 8**.

### **Development Permits**

- 7.2 A development permit is required for any of the following:
- (a) subject to 7.3, the erection, construction, enlargement, structural alteration or placing of a building or structure;
  - (b) the establishment of a use of land or a building or structure;
  - (c) the change of a use of land or a building or structure from the existing use to a use which is not a permitted use;
  - (d) the alteration or enlargement of an approved conditional use.
- 7.3 Every owner shall be required to obtain a development permit prior to the commencement of development, including the commencement of construction or relocation of any building or structure, except as provided herein. The issuance of a development permit in respect of a building or structure does not affect the obligation to obtain a building permit or other permit where they are required under the building by-law for such a building or structure, nor does it relieve the owner from the responsibility of obtaining any other permit or approval that may be required by any other administrative body, including business licences, environmental approvals, highway access approvals and similar approvals.
- 7.4 A development permit is not required for the following:
- (a) The erection, construction, enlargement, structural alteration or placing of the following as accessory structures:
    - i) fences,
    - ii) signs (not including advertising signs where they are conditional uses),
    - iii) lighting,
    - iv) flagpoles,
    - v) sheds and buildings for the storage of domestic equipment and supplies, except those with a floor area of one hundred (100) square feet or more,
    - vi) communications aerials or antennas,
    - vii) garden houses or children's playhouses,
    - viii) water supply wells and private sewage disposal systems,
    - ix) unenclosed patios, and
    - x) temporary signs and notices including real estate signs.

- (b) The maintenance, replacement or restoration of building components and finishes, provided that the size of the building or structure is not materially increased, or the structural load carrying capacity of any component is not reduced.
- 7.5 Despite not requiring a development permit, all things listed in 7.4 shall be subject to the requirements of this by-law.
- 7.6 An application for a development permit shall be made by the owner or owners of the site in question, or by a person authorized in writing by them.
- 7.7 An application for a development permit shall be accompanied by plans drawn to scale showing the following:
  - (a) The shape and dimensions of the site to be used and built on;
  - (b) The location and dimensions of existing buildings and structures;
  - (c) The location and dimensions of the proposed building, structure, enlargement or alteration, including separation distances from site boundaries;
  - (d) The use or uses of each existing and proposed building and structure, or of the land, and the area to be occupied by each use;
  - (e) Vehicular access and utility connections;and shall include any other information required by the Development Officer to determine compliance with, and to provide enforcement of, this by-law.
- 7.8 An application for a development permit shall be accompanied by the fee prescribed by the Board of the Lakeshore Planning District.
- 7.9 Despite apparent compliance with this by-law, the Development Officer may refuse to issue a development permit where the proposed building, structure or use does not, to the Development Officer's knowledge, comply with the building by-law or with any other law.
- 7.10 No person shall use or occupy any land, building or structure, or erect, construct, enlarge, alter or place any building or structure, except in accordance with an approved development permit (where required), and with this by-law.
- 7.11 All proposed development shall be in accordance with the application and drawings submitted to and approved by the Development Officer. No work shall vary from the approved application and drawings without the prior written authorization of the Development Officer, and the owner

shall ensure that all development is completed in accordance with the approved development permit.

- 7.12 The Development Officer may revoke a development permit
- (a) Where any information accompanying the development application is incorrect or incomplete and an existing or proposed building, structure or use is thereafter found to be in contravention of this by-law, the building by-law, or any other law; or
  - (b) Where the development permit was issued in error.

#### **Development Officer**

- 7.13 The Development Officer shall be the person appointed as such by the Board of the Lakeshore Planning District.
- 7.14 The Development Officer, on behalf of the municipality, shall issue development permits and otherwise administer and enforce the provisions of this by-law and *The Planning Act*, where applicable.
- 7.15 The Development Officer shall exercise the powers of remedy and enforcement set out in **PART 8**.
- 7.16 The Development Officer is authorized to grant or refuse, in his or her discretion, a minor variation not to exceed ten percent (10%) of the required yard provisions.

#### **Application for Amendment**

- 7.17 An application for an amendment to this by-law, including a change to the maps, shall be made to the Development Officer by the owner or owners of the land in question, or by a person authorized in writing by them.
- 7.18 An application for amendment shall be accompanied by plans drawn to scale showing the following:
- (a) The shape and dimensions of the land affected;
  - (b) The location and dimensions of existing buildings and structures;
  - (c) The location and dimensions of any proposed building, structure, enlargement or alteration;
  - (d) The use or uses of each existing and proposed building and structure, or of the land, and the area to be occupied by each use;

and shall include any other information required by the Development Officer to determine compliance with, and to provide for enforcement of, this by-law.

- 7.19 An application for an amendment shall be accompanied by the fee prescribed by the Board or Council.
- 7.20 Following such consultation, review and report (if any) as the Council deems necessary, the application shall be submitted to Council, which shall decide whether or not to start the procedures for enactment of an amendment.

#### **Applications for Variances and Conditional Uses**

- 7.21 An application for a variation or approval of a conditional use shall be made to the Development Officer by the owner or owners of the site, or by a person authorized in writing by them.
- 7.22 An application for a variation or approval of a conditional use shall be accompanied by the plans and information described in 7.7.
- 7.23 An application for a variation or approval of a conditional use shall be accompanied by the fee prescribed by the Board or Council.
- 7.24 Where an application for a variation or conditional use has been submitted, a public hearing shall be held by the Council, to receive representations from any person with respect to the proposal, and notice of the public hearing shall be given as required by *The Planning Act*.
- 7.25 On receipt of an application for a variation or approval of a conditional use in proper form, the Village may, prior to the hearing date prescribed under *The Planning Act*, refer the application to Manitoba Intergovernmental Affairs or any other department or authority for its review and comment.
- 7.26 Council shall either approve or deny the variation or conditional use, and may establish conditions of approval appropriate to the circumstances, in accordance with the provisions of *The Planning Act*.
- 7.27 Council may subsequently revoke any approved conditional use as a consequence of any violation of conditions specified at the time of approval.

## **PART 8: ENFORCEMENT**

### **Entry for Inspection and Other Purposes**

- 8.1 The Development Officer may, after giving reasonable notice to the owner or occupier of land or a building or other structure to be entered:
- (a) Enter the land, building or structure at any reasonable time for the purpose of inspection, enforcement and or action authorized by this by-law or *The Planning Act*;
  - (b) Request that anything be produced to assist in inspection, remedy, enforcement or authorized action; and
  - (c) Make copies of anything related to the inspection, remedy, enforcement or authorized action.
- 8.2 The Development Officer must display or produce on request identification showing his or her official capacity.
- 8.3 In an emergency or in extraordinary circumstances, the Development Officer need not give reasonable notice or enter at a reasonable time and may do the things referred to in 8.1(a) and (c) without the consent of the owner or occupant.

### **Order to Remedy Contravention**

- 8.4 If the Development Officer finds that a person is contravening this by-law or *The Planning Act*, the Development Officer may by written order require the person responsible for the contravention to remedy it if, in the opinion of the Development Officer, the circumstances so require.
- 8.5 The order may:
- (a) Direct a person to stop doing something, or to change the way in which the person is doing it;
  - (b) Direct a person to take any action necessary to remedy the contravention, including the removal or demolition of a building or structure (or part of one) that has been constructed, erected or placed in contravention and, if necessary to prevent a reoccurrence of the contravention;
  - (c) State a time within which the person must comply with the directions; and
  - (d) State that if the person does not comply with the directions within the time stated, the Village will take the action or measure at the expense of the person.

### **Review by the Board**

- 8.6 A person who receives an order under 8.4 may request the Board of the Lakeshore Planning District to review the order, by written notice given within fourteen (14) days after the date the order is received.
- 8.7 After giving the person a reasonable opportunity to be heard, the Board may confirm, vary, substitute or cancel the order or decision.

## PART 9: INTERPRETATION

### Footnotes

- 9.1 The footnotes are part of this by-law.

### Permitted Uses

- 9.2 Where a use appears in the Use and Bulk Tables as a permitted use, it shall not be construed to include any use which appears as a conditional use for the same zoning designation.

### Definitions

- 9.3 Terms not defined in this by-law which are defined in *The Planning Act*, have the meaning provided in *The Act*.
- 9.4 Terms defined in 9.5 which appear in the **Use and Bulk Tables** in this by-law are shown in bold therein.
- 9.5 Where the following terms appear in this by-law they have the meaning provided as follows:

**accessory** – where used to describe a use, building or structure, means that the use, building or structure is naturally and normally incidental, subordinate in purpose or area, or both, and exclusively devoted to the use, building or structure to which it is accessory, but a use shown as a conditional use in the Use and Bulk Tables cannot be accessory to a use shown as a permitted use for the same zoning designation.

**advertising sign** – means a sign directing attention to a business, commodity, service, entertainment or other matter, not conducted, sold, offered or carried out on the same site (or on and adjacent site under the same ownership) where the sign is maintained.

**building** – has the meaning provided in *The Planning Act*, except that it does not include a well, pipeline, excavation, cut, fill or transmission line.

**building, height of** - means the vertical distance measured from grade to the highest point of the roof surface of a flat roof, to the deck of a mansard roof, and to the average height level between eaves and ridge for a gable, hip or gambrel roof.

**bulk** – means the size of buildings or structures (based on floor area and height), the site area and site width upon which a use, building or structure is located, the location of exterior walls of a building in relation to site lines, and all open spaces required along site lines.



**club** – refers to a building owned or leased by a non-profit corporation or association, the use of which is restricted to members and their guests.

**drive-through facility** – means a facility designed to provide goods or services to the persons in standing (as opposed to parked) motor vehicles, including but not limited to a drive-through restaurant or bank.

**dwelling unit** – means one or more rooms used or intended to be used as a single housekeeping unit with cooking, sleeping and sanitary facilities.

**dwelling, single-family** – means a detached building designed for and used by only one family.

**dwelling, two-family** – means a detached or semi-detached building designed for and used by two (2) families, with each family having exclusive occupancy of a dwelling unit.

**dwelling, multiple-family** – means a building containing three or more dwelling units, with each unit designed for and used by one family, with each family having exclusive occupancy of a dwelling unit.

**family** – means one or more persons related by blood, adoption, marriage or common-law marriage, or a group of no more than seven (7) persons which includes unrelated persons, living together as a single housekeeping unit.

**farm building** – means any building or structure used primarily for agricultural activities, but does not include a dwelling.

**hundred year flood** – means a flood that can be expected to occur, on average, once in one hundred (100) years, or specifically a flood that has a one percent (1%) chance of being equaled or exceeded in any year.

**kennel** – means premises upon which more than five (5) dogs or ten (10) cats, not including animals less than four (4) months of age, are boarded, bred, trained or cared for in return for remuneration or are kept for the purpose of sale.

**mobile home** – means a portable dwelling unit which is designed or used for residential occupancy, built upon or having a frame or chassis to which wheels may be attached by which it may be moved upon a highway, whether or not such structure actually has at any time such wheels attached, or is jacked up or skirted and which conforms to the *Buildings and Mobile Homes Act*.

**public utility** – means a system furnishing water, sewage collection, electricity, telecommunication services, gas or similar services to

properties by means of pipes, lines and other equipment located on or under public roads and other rights-of-way.

**residential care facility** – means a building in which residential accommodation, plus supervision, care or treatment, is provided by a person or persons employed for that purpose.

**site** – means an area of land which:

- (a) is occupied or intended to be occupied by a principal use or by a use of a building or group of buildings, together with accessory buildings and structures as are provided for herein, along with required yards;
- (b) has frontage on a street which has a minimum right-of-way width of fifty (50) feet, or has any lawful means of access satisfactory to Council, or as otherwise provided for herein; and
- (c) is of sufficient size to provide for the minimum requirements of this by-law for a permitted or conditional use in a zone where the use is located.

**site area** – means the computed area contained within the site lines.

**site, corner** – means a site situated at the intersection of two (2) streets.

**site depth** – means the horizontal distance between the centre points in the front and rear site lines.

**site, interior** – means a site other than a corner site.

**site lines** –

**front site line** – means:

- (a) the boundary of a site along a street or highway;
- (b) for a corner site, the continuation of the front site line of the abutting interior site.

**rear site line** – means:

- (a) that boundary of a site which is most nearly parallel to the front site line;
- (b) where the side site lines intersect, a line ten (10) feet in length within the site, parallel to and at the maximum distance from the front site line.

**side site line** – means any boundary of a site which is not a front or rear site line.

Where it is not possible to determine site lines according to these definitions, they shall be determined by the Development Officer.

**site width** – means that horizontal distance between the side site lines, measured at right angles to the site depth at a point midway between the front and rear site lines, or at forty (40) feet from the front site lines, whichever is less.

**structure** – means a thing constructed or erected with a fixed location on or below the ground or attached to something with such a fixed location, and includes but is not limited to buildings, walls, fences, signs, billboards, light standards and antennas.

**use** – means any purpose for which a building, structure or site may be designed, arranged, intended, maintained or occupied; or any activity, occupation, business, or operation carried on, or intended to be carried on, in a building, structure or on a site.

**yard** – means an open area between the exterior wall of a building and the boundaries of the site on which it is located.

**yard, required** – means the yard measured from a front, rear or side site line towards the interior of the site within which no building or any part of a building may be located, except as provided in this by-law.

## Zoning Boundaries

- 9.6 The following rules of interpretation shall apply to the boundaries of the zoning designations shown on the map comprising **Schedule A**:
- (a) boundaries indicated as approximately following the centre-lines of streets, lanes, highways, rivers, or railway or public utility lines or rights-of-way shall be construed to follow such centre-lines;
  - (b) boundaries indicated as approximately following site limits as shown on a registered plan or by reference to the *Dominion Government Survey* shall be construed to follow such site limits.
- 9.6 If a street, lane or government road allowance is lawfully closed, then the land formerly comprising the street, lane or government road allowance shall be included within the zone of the land which surrounds it. If the said street, lane or government road allowance was a zone boundary between two or more different zones, then the new zone boundary shall be the former centreline of the closed street, lane or government road allowance.

# **APPENDIX A**

## **METRIC CONVERSION TABLE**

## APPENDIX A

### METRIC CONVERSION TABLE

FEET	METRES	SQ. FEET	SQ. METRES
1.0	0.3	10	0.93
3.0	0.9	32	2.97
5.0	1.5	50	4.65
6.0	1.8	100	9.29
7.0	2.1	600	55.7
10.0	3.0	1000	92.9
15.0	4.6	3500	325.2
20.0	6.1	5000	464.5
25.0	7.6	7500	696.8
30.0	9.1	9000	836.1
35.0	10.7	10000	929.0
40.0	12.2	20000	1858.0
50.0	15.2		
75.0	22.9		
100.0	30.5	ACRES	HECTARES
125.0	38.1		
200.0	61.0	1.0	0.4
300.0	91.4	2.0	0.8
400.0	121.9	5.0	2.0
1000.0	304.8	20.0	8.1
1500.0	457.2		

# **SCHEDULE A: ZONING MAP**

**Attached to**

**By-law No. 2-2001**

**of**

**THE VILLAGE OF WINNIPEGOSIS**